

AMENDED IN ASSEMBLY MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1343

Introduced by Assembly Member Huffman
(Coauthor: Assembly Member Torlakson)

February 27, 2009

An act to add and repeal Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1343, as amended, Huffman. Solid waste: architectural paint.

Existing law prohibits the disposal of latex paint in the land or waters of the state and authorizes certain persons to accept latex paint for recycling.

This bill would create the architectural paint recovery program and would require architectural paint manufacturers, ~~on and after January 1, 2010,~~ to develop and implement strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and manage the end-of-life of postconsumer paint through collecting, transporting, and processing ~~postconsumer paint~~. The manufacturers would be allowed to establish a cost recovery system to collect a fee from the consumer on all architectural paint sold in this state sufficient to recover the costs of the end-of-life management of postconsumer paint in an environmentally sound fashion.

The bill would require manufacturers to submit a report to the California Integrated Waste Management Board by July 1, ~~2010,~~ 2011, and each year thereafter, describing their paint recovery efforts. ~~On and after~~ *or before* January 1, 2012, the board would be required to submit

a report to the Legislature describing the results of the architectural paint recovery program, including certain recommendations and financial analysis.

This bill would make the program inoperable on July 1, 2013, and would repeal these provisions on January 1, 2014.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 48700) is added to Part 7 of Division 30 of the Public Resources Code, to read:

CHAPTER 5. ARCHITECTURAL PAINT RECOVERY PROGRAM

48700. The purpose of the architectural paint recovery program established pursuant to this chapter is to require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in this state.

48701. For the purposes of this chapter the following terms have the following meanings:

(a) "Board" means the California Integrated Waste Management Board.

(b) "Manufacturer" means a manufacturer of architectural paint.

(c) "Paint" means interior or exterior architectural coatings, including paints and stains purchased for commercial or homeowner use, but does not include architectural coatings purchased for industrial or original equipment manufacturer use.

48702. (a) ~~On and after January 1, 2010, a~~ A manufacturer of paint sold in this state shall, individually or through a representative organization, implement a recovery program to ~~undertake responsibility for the development and implementation of~~ *develop and implement* strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and manage the end-of-life of postconsumer paint, through collecting, transporting, and processing the postconsumer paint.

1 (b) A cost recovery system may be established by the
2 manufacturer, individually or through a representative organization,
3 to collect a fee from the consumer on all architectural paint sold
4 in this state sufficient to recover the costs of the end-of-life
5 management of postconsumer paint in an environmentally sound
6 ~~fashion, including collecting, storing, transporting, and reusing or~~
7 ~~disposing of the postconsumer paint.~~ *fashion, including collection,*
8 *storage, transportation, reuse, and disposal.*

9 48703. By July 1, ~~2010~~, *2011*, and each year thereafter, a
10 manufacturer of paint sold in this state shall, individually or
11 through a representative organization, submit a report to the board
12 describing its paint recovery efforts. At a minimum, the reports
13 shall include all of the following:

14 (a) The total volume of paint sold in this state during the
15 preceding calendar year.

16 (b) The total volume of postconsumer paint recovered in this
17 state during the preceding calendar year.

18 (c) A description of methods used to collect, transport, and
19 process postconsumer paint in this state.

20 (d) The total cost of implementing the program.

21 (e) An evaluation of how the program's funding mechanism
22 operated.

23 (f) Examples of educational materials that were provided to
24 consumers.

25 (g) An analysis of the environmental costs and benefits of
26 collecting and recycling latex paint.

27 (h) An evaluation of the feasibility of donating usable
28 postconsumer paint to charitable organizations, nonprofit
29 organizations, and kindergarten and grades 1 to 12, inclusive,
30 schools.

31 48704. On or before January 1, 2012, the board shall submit
32 a report to the Legislature describing the results of the architectural
33 paint recovery program and recommending whether it should be
34 extended and any modifications needed to improve the functioning
35 and efficiency of the program. The report shall include an analysis
36 of the costs avoided by state and local government agencies as a
37 result of the program.

38 48705. Any action taken by a manufacturer or representative
39 organization regarding the cost recovery system or the collecting,
40 transporting, or processing of postconsumer paint, pursuant to the

1 requirements of this chapter and only to the extent necessary to
2 plan and implement the cost recovery system, collection system,
3 or recycling system, is not a violation of the Cartwright Act
4 (Chapter 2 (commencing with Section 16700) of Part 2 of Division
5 7 of the Business and Professions Code), the Unfair Practices Act
6 (Chapter 4 (commencing with Section 17000) of Part 2 of Division
7 7 of the Business and Professions Code), or any other state law
8 relating to antitrust, regulation of trade, or regulation of commerce.
9 48706. This chapter shall become inoperative on July 1, 2013,
10 and, as of January 1, 2014, is repealed, unless a later enacted
11 statute, that becomes operative on or before January 1, 2014,
12 deletes or extends the dates on which it becomes inoperative and
13 is repealed.